

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES O'HAGAN,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. 20-5396 RJB

ORDER

THIS MATTER comes before the Court on Petitioner's "Voi Dare of Honorable Ronald B. Lighton and Request for Counsel." Dkt. 12. The Court has considered the pleadings filed regarding the motion and the remaining file.

**I. FACTS**

On April 27, 2020, the Petitioner filed this case and an application to proceed *in forma pauperis* ("IFP"). Dkt. 1. On May 19, 2020, Petitioner's IFP application was denied. Dkt. 4. The order also reviewed the Petitioner's proposed complaint and noted that it contained several deficiencies including attempting to have this court review decisions of the state courts contrary

1 to the *Rooper-Feldman* doctrine (from *Rooper v. Fidelity Trust Co.*, 263 U.S. 413 (1923) and  
2 *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983)), attempting to sue  
3 judges and courts for ruling against him contrary to their right to absolute judicial immunity,  
4 attempting to sue various clerks of the court and prosecutors for actions for which they have  
5 quasi-judicial immunity, and attempting to sue private attorneys for civil rights violations, that  
6 can only be brought against people acting “under the color of law.” *Id.* That order further stated  
7 that “[t]he vast conspiracy O’Hagan alleges is facially implausible. His complaint is not a habeas  
8 petition; it is a political screed.” Dkt. 4, at 4. Petitioner was ordered to pay the filing fee or file a  
9 proposed amended complaint addressing these deficiencies within 21 days and warned that his  
10 failure to do so would result in dismissal of the case. *Id.*

11 On June 8, 2020, he filed a pleading entitled “Defendant’s Memorandum with Supporting  
12 Evidence in Response to Honorable Ronald B. Lighton’s May 19, 2020 Order by Declaration of  
13 James J. O’Hagan.” Dkt. 6. In this 55-page disjointed pleading, the Petitioner discusses errors  
14 he believes were in the Court’s May 19, 2020 order, asserts that he did not “imply that the  
15 Pacific County Tea Party was going to take hostile adverse possession of the former Kenyon  
16 Kelley farm with [him],” requests a grand jury to investigate criminal acts, argues that “judges  
17 have been unconstitutionally forcing Shari law onto the people.” *Id.* He discusses various legal  
18 proceedings that he has been involved in (both civil and criminal). *Id.* The Petitioner further  
19 references elections law, generally asserting that there are problems. *Id.* He contends that:

20 [H]e is adamant that if the courts continue to allow [him] to be a political prisoner  
21 of the judicial branch by keeping [his] Habeas Corpus complaint from a Grand  
22 Jury then the deep state will do it to every other sovereign individual that attempts  
to address problems within the judicial branches and improve the quality of  
justice.

23 Dkt. 6, at 14.

On August 18, 2020, the Petitioner paid the filing fee. He also filed the pending motion, entitled, “Voi Dare of Honorable Ronald B. Lighton [sic] and Request for Counsel.” Dkt. 12. In this motion, the Petitioner again asserts that he is “a political prisoner of the State of Washington because [he is] a victim of judicial branch corruption.” Dkt. 12, at 1. He asserts that various judges and lawyers are involved in “organized crimes” and are now practicing “Shari Law.” *Id.*, at 1-2. He requests that Judge Leighton recuse from the case. *Id.* The Petitioner also asks for appointment of counsel “that is not beholden to [his] adversary and has been outspoken about addressing the violations to the separation of powers, judicial fraud industry and the subversive attacks on our constitutional trust.” *Id.*

The case was reassigned to the undersigned on August 31, 2020. Dkt. 14.

## II. DISCUSSION

**Motion for Recusal.** The Petitioner’s motion for Judge Leighton to recuse (Dkt. 12) should be denied as moot. The case has been reassigned to the undersigned.

**Review of the Complaint and Amended Complaint.** The court has carefully reviewed the complaint in this matter. Because plaintiff filed this complaint *pro se*, the court has construed the pleadings liberally and has afforded plaintiff the benefit of any doubt. *See Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 621, 623 (9th Cir.1988).

A federal court may dismiss a case *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6) when it is clear that the plaintiff has not stated a claim upon which relief may be granted. *See Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir.1987) (“A trial court may dismiss a claim *sua sponte* under Fed. R. Civ. P. 12(b)(6). Such a dismissal may be made without notice where the claimant cannot possibly win relief.”). *See also Mallard v. United States Dist. Court*, 490 U.S. 296, 307-08 (1989) (there is little doubt a federal court would have the power to dismiss

1 frivolous complaint *sua sponte*, even in absence of an express statutory provision). A complaint  
2 is frivolous when it has no arguable basis in law or fact. *Franklin v. Murphy*, 745 F.2d 1221,  
3 1228 (9th Cir. 1984).

4 To the extent that the Petitioner intends the June 8, 2020 pleading to be his Amended  
5 Complaint, it suffers from the same deficiencies as the original complaint that the Petitioner was  
6 notified of in the May 19, 2020 order. This case has no arguable basis in law or fact. The  
7 complaint should be dismissed as frivolous and for failure to state a claim.

8 Further, the Petitioner should not be given leave to amend. He was notified of the  
9 deficiencies in his Complaint and did not cure those deficiencies. This case should be dismissed  
10 with prejudice.

11 **Other Pending Motions.** Petitioner's motion for appointment of counsel (Dkt. 12) and  
12 all other pending motions, if any, should be denied as moot.


### 13 **III. ORDER**

#### 14 **IT IS ORDERED:**

- 15 • Petitioner's "Voi Dare of Honorable Ronald B. Lighton and Request for Counsel"  
16 (Dkt. 12) **IS DENIED AS MOOT**;
- 17 • All other pending motions, if any, **ARE DENIED AS MOOT**; and
- 18 • This case **IS DISMISSED WITH PREJUDICE**.

19 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
20 to any party appearing *pro se* at said party's last known address.

21 Dated this 10<sup>th</sup> day of September, 2020.

22 

23 ROBERT J. BRYAN  
24 United States District Judge